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Attorneys for Defendants

MICHAEL VICTORINO, in his official capacity as Mayor of the County of Maui, ALICE L. LEE, in her official capacity as Chair of the Maui County Council, and COUNTY OF MAUI

#### IN THE UNITED STATES DISTRICT COURT

#### FOR THE DISTRICT OF HAWAI'I

#### HAWAIIAN KINGDOM,

Plaintiff,

vs.

JOSEPH ROBINETTE BIDEN JR., in his official capacity as President of the United States; KAMALA HARRIS, in her official capacity as Vice-President and President of the United States Senate; et al.

Defendants.

### CIVIL NO. 21-00243 LEK-RT

DEFENDANTS MICHAEL VICTORINO, ALICE L. LEE, and COUNTY OF MAUI'S SUBSTANTIVE JOINDER TO DEFENDANTS DEREK KAWAKAMI, ARRYL KANESHIRO AND COUNTY OF KAUA'I'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF FILED ON MAY 20, 2021 [ECF NO. 1], FILED JULY 1, 2021 (ECF NO. 15); CERTIFICATE OF SERVICE

**District Judge:** Hon. Leslie E. Kobayashi

**Magistrate Judge:** Hon. Rom. A. Trader

No Trial Date Set

## DEFENDANTS MICHAEL VICTORINO, ALICE L. LEE, and COUNTY OF MAUI'S SUBSTANTIVE JOINDER TO DEFENDANTS DEREK KAWAKAMI, ARRYL KANESHIRO AND COUNTY OF KAUA'I'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF FILED ON MAY 20, 2021 [ECF NO. 1], FILED JULY 1, 2021 (ECF NO. 15)

Defendants MICHAEL VICTORINO, in his official capacity as Mayor of the County of Maui, ALICE L. LEE, in her official capacity as Chair of the Maui County Council, and COUNTY OF MAUI, (hereinafter "Maui County Defendants"), by and through their attorneys MOANA M. LUTEY, Corporation Counsel, CALEB P. ROWE and IWALANI MOUNTCASTLE GASMEN, Deputies Corporation Counsel, hereby files their Substantive Joinder to Defendants Derek Kawakami, Arryl Kaneshiro and County of Kaua'i's Motion to Dismiss Plaintiff's Complaint for Declaratory and Injunctive Relief Filed on May 20, 2021 [ECF No. 1], filed July 1, 2021 (ECF No. 15) ("Kaua'i County's Motion").

Maui County Defendants join in Kaua'i County Defendants' argument, that Plaintiff HAWAIIAN KINGDOM's ("Plaintiff") Complaint for Declaratory and Injunctive Relief, filed on May 20, 2021 [ECF No. 1] ("Complaint") be dismissed with prejudice pursuant to Federal Rules of Civil Procedure ("FRCP") Rules 12(b)(1) and 12(b)(6) because: (1) this Court lacks subject matter jurisdiction; and (2) Plaintiff has failed to state facts entitling it to the relief it requests. Further, the Maui County Defendants assert that the Mayor Michael Victorino and Councilchair Alice Lee are entitled to Qualified Immunity on the same basis that Mayor Derek Kawakami and Council-chair Arryl Kaneshiro are so entitled.

This Joinder is brought pursuant to FRCP Rule 7, Local Rules of Practice for the U.S. District Court, District of Hawai'i Rules LR7.1, LR7.2, LR7.4, LR7.7, and is supported by all submissions, arguments and authorities relied on by Kaua'i County Defendants in support of Kaua'i County's Motion, including Kaua'i County Defendants' Memorandum in Support of Motion, along with the entire record and files of this case, and such other evidence as may be adduced at the hearing on this motion.

DATED: Wailuku, Maui, Hawaii, July 12, 2021.

MOANA M. LUTEY Corporation Counsel Attorneys for Defendants MICHAEL VICTORINO, in his official capacity as Mayor of the County of Maui, ALICE L. LEE, in her official capacity as Chair of the Maui County Council, and COUNTY OF MAUI

By <u>/s/Caleb P. Rowe</u> CALEB P. ROWE IWALANI MOUNTCASTLE GASMEN Deputies Corporation Counsel

# **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the

foregoing document was served on the following electronically via CM/ECF at

their last known address on the date below:

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Attorneys for Defendant DEREK KAWAKAMI, ARRYL KANESHIR and COUNTY OF KAUAI

DATED: Wailuku, Maui, Hawaii, July 12, 2021.

MOANA M. LUTEY Corporation Counsel Attorneys for Defendants MICHAEL VICTORINO, in his official capacity as Mayor of the County of Maui, ALICE L. LEE, in her official capacity as Chair of the Maui County Council, and COUNTY OF MAUI

By <u>/s/Caleb P. Rowe</u> CALEB P. ROWE IWALANI MOUNTCASTLE GASMEN Deputies Corporation Counsel